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09/932,982	08/21/2001	Todd Lagimonier	003636.0115	6823

7590 07/30/2008
MANELLI DENISON & SELTER PLLC
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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07/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Claims 1-43 are pending.
2. Amendment filed 05/28/2008 has been received and considered.

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Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not provide support for the increasing of the size of acceptable nonce values based on the largest nonce value yet seen as claimed. At best the specification provides support for the range to be dynamically based on certain parameters, none of which are the largest value yet seen (see specification page 17 lines 2-4).

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Each independent claim recites a similar

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limitation requiring increasing of the size of acceptable nonce values based on the largest nonce value yet seen. However, the specification lacks support for this limitation. At best the specification provides support for the range to be dynamically based on certain parameters, none of which are the largest value yet seen (see specification page 17 lines 2-4). Therefore, the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouda et al. (Anti-Replay Window Protocol for Secure IP) in view of Milliken (US 6978384).

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As per claims 1, 10, 19, 28, and 36, Gouda et al. discloses determining a largest nonce value yet seen from a plurality of nonce values of out-of-order messages (see page 311 section II); comparing a nonce value of a received message with said largest nonce value yet seen (see page 312 Case iii); comparing said nonce value to an acceptance window in response to said nonce value not exceeding said largest nonce

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value yet seen (see page 311 Case i and Case ii); adjusting a range of acceptable
nonce values within said acceptance window, where the size of said range is based on
said largest nonce value yet seen (see pages 313 and 314 section V); rejecting said
received message in response to said nonce value falling outside said acceptance
5 window (see pages 311 and 314 Case i); in a secure peer to peer communication (see
Abstract).

Gouda et al. discloses changing the sliding window based on the largest nonce
value yet seen as shown on pages 311 and 314, but fails to explicitly disclose
increasing the size of the window.

10 However, Milliken teaches a sliding window with a varying size (see column 3
lines 56-61 where one of ordinary skill in the art recognizes that varying can mean
increases and decreasing).

At the time of the invention it would have been obvious to a person of ordinary
skill in the art to vary the size of the window in the Gouda et al. system.

15 Motivation to do so would have been to account for different data rates or
maximum delay change (see Milliken column 3 lines 56-61).

As per claims 2, 3, 11, 13, 20, 21, 29, and 37, the modified Gouda et al. and
Milliken system discloses designating said nonce value as said largest nonce value yet
seen in response to said nonce value exceeding said largest nonce value yet seen (see
20 Gouda et al. page 312 Case iii).

As per claims 4, 12, 22, 30, and 38, the modified Gouda et al. and Milliken system discloses adjusting an acceptance window based on said nonce value exceeding said largest nonce value yet seen (see Gouda et al. page 312 Case iii).

As per claims 5, 7, 14, 16, 23, 25, 32, 34, 40, and 42, the modified Gouda et al. and Milliken system discloses designating said received message as a replay attack (see Gouda et al. Abstract).

As per claims 6, 8, 15, 17, 24, 26, 33, and 41, the modified Gouda et al. and Milliken system discloses comparing said nonce value to a window mask value in response to said nonce value falling within said acceptance window; rejecting said received message in response to an outcome of said comparison of said nonce value to said window mask value being true (see Gouda et al. page 311 Case ii).

As per claims 9, 18, and 27, the modified Gouda et al. and Milliken system discloses designating said nonce value as a largest nonce value seen (see Gouda et al. page 312 Case iii).

As per claims 31 and 39, the modified Gouda et al. and Milliken system discloses said secure communication module is further configured to reject said received packet in response to said nonce value falling outside said filter (see Gouda et al. page 311 Case i).

As per claims 35 and 43, the modified Gouda et al. and Milliken system discloses said secure communication module is further configured to reject said received packet in response to said nonce value fails to fall within said filter and said secure

communication module is further configured to designate said received packet as part of a replay attack (see Gouda et al. page 311 Case i and the Abstract).

Response to Arguments

- 5 8. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in
10 this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
15 TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
20 than SIX MONTHS from the date of this final action.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilson and Lakshman teach methods of increasing the size of a sliding window.

Any inquiry concerning this communication or earlier communications from the
5 examiner should be directed to MICHAEL PYZOCHA whose telephone number is
(571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am -
4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone
10 number for the organization where this application or proceeding is assigned is 571-
273-8300.

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20 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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